

State of California
Environmental Protection Agency
AIR RESOURCES BOARD

**Final Statement of Reasons for Rulemaking,
Including Summary of Comments and Agency Response**

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE AREA
DESIGNATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARDS

Public Hearing Date: 11/13/97
Agenda Item No.: 97-9-3

I. GENERAL

The Staff Report: Initial Statement of Reasons for Rulemaking (staff report) entitled, "Proposed Amendments to the Area Designations for State Ambient Air Quality Standards, and Proposed Maps of the Area Designations for the State and National Ambient Air Quality Standards," (November 1997) is incorporated by reference, herein.

Following a public hearing on November 13, 1997, the Air Resources Board (Board), by Resolution 97-43, adopted amendments to the area designations for State standards. The area designation regulations comprise labels that describe the healthfulness of the air quality in each area. The amended regulations are contained in the California Code of Regulations (CCR), Title 17, sections 60201 and 60205. The amendments adopted by the Board are identical to those initially proposed by the staff and made available in the Staff Report released on September 26, 1997.

The Board has determined that the affected regulations do not contain any requirements for action and, as a result, they have no direct economic impact. Therefore, the Board made the following general findings:

The Board determined that the amendments to the regulations will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any State agency or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

The Board also determined, in accordance with Government Code section 11346.5(a)(8), that the amendments to the regulations will not have a significant adverse economic impact on businesses, small or otherwise, including the ability of California businesses to compete with businesses in other States. In addition, the Board determined that there will be no, or an insignificant, potential cost impact, as defined in Government Code section 11346.5(a)(9), on private

persons or businesses directly affected as a result of amending the regulations.

In accordance with Government Code section 11346.3, the Board determined that amending the regulations will not affect: the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within California; or the expansion of businesses currently doing business within California. The Board also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the amendments will not affect small business, because by themselves, the amendments contain no requirements for action and therefore have no direct economic impact.

Finally, the Board determined that there is no alternative considered which would be more effective in carrying out the purpose for which the action is proposed nor would be as effective and less burdensome to public agencies, small businesses, or affected private persons or businesses other than small businesses than the proposed action (Government Code section 11346.9(a)(4)).

Amendments to the Area Designations

The amendments to the area designations will not have any direct, adverse, economic impacts because they do not, by themselves, require any regulatory action. The area designations are labels that describe the healthfulness of the air quality in each area. Redesignating Butte and Glenn County as nonattainment-transitional for ozone by operation of law may indirectly result in some benefits to the districts and local businesses because this designation category allows the district to review and potentially modify some of the control measures identified in its attainment plan. Prior to modifying control measures, districts must determine that the measures are no longer necessary to accomplish expeditious attainment or to maintain the state standard or that delaying the measures will not retard achievement of the state standard.

II. MODIFICATIONS TO THE REGULATIONS

At a public hearing on November 13, 1997, the Board adopted Resolution 97-43, amendments to the area designation regulations. Specifically, the Board adopted the staff's proposed amendments to CCR, Title 17, section 60201 and 60205.

III. SUMMARY OF COMMENTS AND AGENCY RESPONSES

After the release of the staff report, but before the public hearing, the Board received no written comments. The staff heard oral testimony from one witness at the public hearing. Mr. Ed Romano, Air Pollution Control Officer (APCO) testified on behalf of the Glenn County Air Pollution Control District (Glenn County APCD). The substance of the oral testimony and the agency's responses are summarized, below.

Comments Related to the Area Designations Amendments

1. Comment: Mr. Romano APCO of Glenn County APCD appreciates the opportunity to comment on the proposal and supports the staff's recommendations.

Agency Response: The Board appreciates Mr. Romanos interest and participation in the rulemaking process.